Request For Proposal

Client: Lower Duwamish Working Group

Date Issued: **February 25, 2013**

RFP Interest Date/Time: **March 11, 2013 by 5:00 pm PST**

RFP Return Date/Time: **March 25, 2013 by 5:00 pm PST**

Contact Person: **Laura Wishik, Laura.Wishik@seattle.gov**

If you are interested in responding to this RFP, please **email the project contact listed above by the RFP Interest Date/Time** listed above. Expressions of interest received after the RFP Interest Date/Time listed above **will not be considered**. Interested participants will be provided with further instructions regarding the manner in which RFP responses should be submitted. RFP responses received after the RFP Return Date/Time listed above **will not be considered**.

You understand that your participation in this RFP is voluntary and that the Lower Duwamish Working Group ("LDWG"), its members and/or its members' outside legal counsel are not responsible for any cost(s) you incur in the development and submission of the Proposal or in the RFP process. Neither the members of the Lower Duwamish Working Group nor any of their law firms will be responsible for any direct or indirect cost incurred by you in relation to this RFP.

DESCRIPTION OF THE PROJECT

The LDWG is an informal working group consisting of King County, the City of Seattle, the Port of Seattle, and The Boeing Company. The LDWG plans to invite about forty other parties to participate with them in a non-judicial proceeding designed to allocate the costs associated with the environmental clean-up of the Lower Duwamish Waterway (the "Project"). The LDWG developed this RFP for the purpose of selecting an electronic discovery technology and services provider who will host documents in a centralized database (the "Data Repository") that are expected to be produced by the parties participating in this proceeding.

Suppliers who respond to this RFP will be expected to provide some or all of the following services in connection with the Project:

1. Loading, Processing, Indexing and Searching ESI for Legal Review ("ESI Processing");
2. Hosting ESI for Legal Review ("ESI Hosting");
3. Establishing separate work flow and database access permissions so that any work product created by a party cannot be accessed or viewed by any other party.
4. Providing technical support as needed to assist the individual parties with access to and use of the Data Repository.

The LDWG currently expects that it will use the Data Repository for at least three years, but through this RFP makes no representation or warranty that it will use the Data Repository for any specified time period, nor does it make any representation or warranty regarding the total volume of data to be hosted. Your response to this RFP, including the Project Pricing Matrix, should assume that the total volume of documents to be uploaded and the total number of users could vary significantly from the description of the data provided below.

DESCRIPTION OF THE DATA

Although it is impossible to predict the volume of data that may ultimately be loaded to the Data Repository, at this time, the LDWG expects the repository will include about 500,000 documents (about 300 GB) produced by about 40 parties. The volume of data may increase if additional parties participate. The data will consist of information regarding each party's physical operations over the past one hundred years. Types of documents are likely to include site plans, maps, construction drawings, analytical results of soil samples and other media, hazardous waste manifests, hand-written notes, environmental reports, photographs of varying age and quality, insurance policies, emails, and the like.

It is expected that most of the documents will be in PDF or TIFF formats, but more recent ones will be in native electronic format. It is expected that most of the imaged documents will have extracted text or associated OCR (optical character recognition), though the quality of the OCR will likely vary widely across the document set. Some documents will likely not contain extracted text or OCR, or the OCR will not be useful due to document age or condition.

It is expected that each party will have numbered their documents prior to loading into the Data Repository, but the numbering conventions may differ dramatically. All documents will have been indexed to correspond to Environmental

Protection Agency requirements. The format of these indices will likely vary across the parties (i.e. Excel, Word, other formats). The parties expect that the successful supplier will have the ability to standardize this information so that it can be loaded/overlaid into the Data Repository. The successful supplier may need to scan oversized hard copy documents inclusion in the Data Repository, or if scanning is not feasible or practicable, may need to store oversized hard copy in a secure location to which all of the parties will have access. It is expected that each party will submit a large portion of the data during the first year, but will continue to provide data periodically for the following two to three years.

DESCRIPTION OF THE USERS

Although the LDWG currently consists of four members, it is expected that about 36 additional parties may wish to have access to the Data Repository, and that each party will require access permissions for multiple users in multiple locations. The user group is expected to consist of attorneys, paralegals, and experts in various technical environmental fields. Although most users will be located in the Puget Sound area, others are likely to be spread out across the country and potentially overseas. Some users will have their own IT support staff and others will not. Some will be very experienced using document databases similar to the anticipated Data Repository and some will have no experience.

DESCRIPTION OF THE DESIRED DATABASE AND VENDOR

The required qualifications are below. However, LDWG reserves the right to request clarification, to waive immaterial variations, or to consider proposals that vary from the following requirements, as determined in the discretion of the LDWG.

The database must:

Be accessible by up to 500 individual users worldwide.

Be accessible by multiple users at a time with minimal latency.

Support batching of documents for review.

Be capable of running high-speed searches.

Allow full Boolean searches using index terms, keywords or proximity searches in the document text.

Allow users to quickly view a document image and move to the next.

Allow users to view a document in native, TIFF or extracted text view, to the extent such formats are available

Identify the custodian or source of data as a standard field which will be populated at the time data is loaded.

Allow each party and their respective counsel, staff and experts to perform searches, flag, tag and organize documents, and enter comments without other parties having access to their work product.

Allow users to select and print single or multiple documents at a time using their local printers.

Allow users to download documents to their local drives.

Allow users to run queries, with the results capable of export to Excel.

Allow search terms used during queries of the Data Repository to be highlighted in the results, and allow users to toggle to the location of each search result within the documents.

Allow the use of hierarchical tags, such as: Facility X has subfolders of chemicals A, B and C, each of which has subfolders.

Allow users to save searches, and to ensure that searches saved by one party are accessible only to that party and its counsel, staff and experts, not to other parties.

Allow users to bulk code/tag multiple records at a time.

The vendor <u>must</u>:

Provide technical support during normal business hours PST (8:00 am – 6:00 pm).

Provide training to users appropriate for their level of experience.

Be able to use the database or other software to identify duplicates and near duplicates to the extent possible using available metadata fields (including hash values where available) and extracted text or OCR.

Be able to separately track, and report on each invoice, the number of users per party and the cost of any extra services or products, not covered by this agreement, requested by individual parties.

Be able to report on and assist with document exceptions that occur during processing and loading to the database.

It is <u>desirable</u> for the database to have the following characteristics:

Ability to highlight or make annotations on documents and share that work with other users in the same group, but not with other parties.

Ability to batch print documents, such as the results of a search query, at a user's local printer.

Ability to download a batch of documents.

Ability to email and share a specific document within a party's team.

Ability to export documents to users' own databases, which will be a range of types (Summation, Concordance, etc.).

Option to archive the data for long periods of time if there is a hiatus in its use.

Ability for each user to create customized views and layouts.

Ability to adjust user interface for an efficient dual monitor configuration.

SERVICES AGREEMENT

LDWG will select one candidate to provide the services described in this RFP. The selected candidate will be asked to execute a consultant agreement, according to the applicable City of Seattle contracting requirements, prior to commencing any services. If unable to reach agreement with the candidate initially selected, LDWG may terminate contract negotiations and select and negotiate with the candidate with the next highest ranked proposal. Additionally, ==LDWG reserves the right to reject all proposals.==

WASHINGTON STATE PUBLIC RECORDS ACT

Under RCW Chapter 42.56 (the *Public Records Act*) all materials received or created by a public agency are considered public records. These records include, but are not limited to, proposal submittals and agreement documents. Under the Public Records Act, a public agency is required to promptly make public records available upon request. However, under Washington State Law some records or portions of records are considered legally exempt from disclosure. A list and description of records identified as exempt by the Public Records Act can be found in RCW 42.56 and RCW 19.108. If you believe any of the records you are submitting as part of your proposal are exempt from disclosure, you can ask to be notified before a public agency releases the records. To do so, you must very clearly and specifically identify each record and the exemption(s) that may apply. It will be up to you up to seek a court injunction to bar the public agency from releasing the records (reference RCW 42.56.540). The public agency will NOT assert an exemption on your behalf.

GENERAL REQUEST FOR INFORMATION:
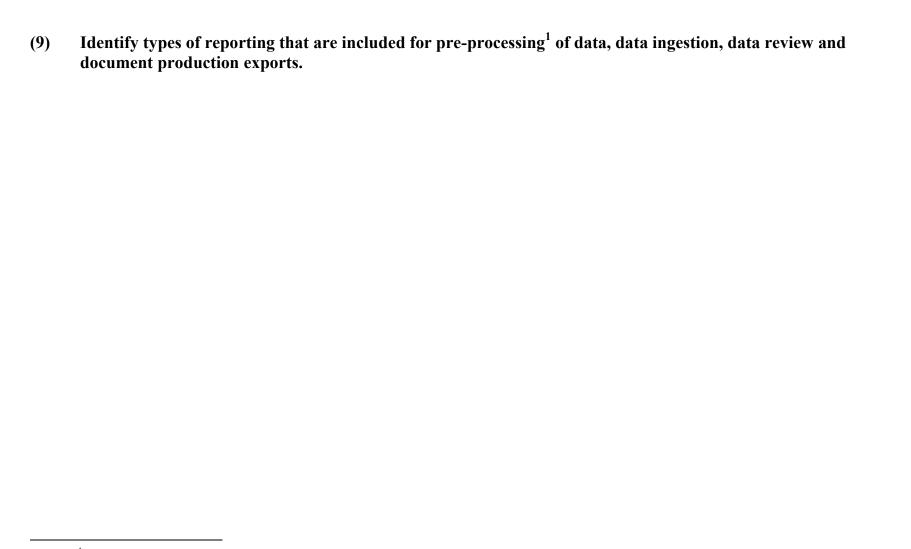
Please provide:

(1)   **A general description of your company's background and experience in handling the type of project described above, as well as a list of at least three references (preferably attorneys or paralegals) related specifically to similar, previously completed projects.**

(2)   A brief description of how you would approach the database structure, and what services you would offer to support the various end users if you are retained. These paragraphs should be in layman's/non-technical terms that describe clearly to the Lower Duwamish Working Group how you will perform your services, and what "value added" you will bring to the process.

(3)   A written description of your pricing, including all fees and costs whether fixed or hourly. Then complete the Pricing Proposal in Appendix IA. Specifically identify *any* assumptions you have made in completing Appendix IA.

(4)   A written description of your reporting and quality assurance procedures. Please identify any standard reporting tools you use to communicate with clients, and provide examples of customized reporting that you have done for other clients that may be useful for this project.

(5)   Provide at least two references of parties for whom you provided database services as similar as possible to the services described here. Provide the contact person's name, agency, address, and telephone number for each reference.

ESI HOSTING

(1)   Identify and describe your preferred system for document hosting. Do your available platforms require a specific file format? If so, which formats? How would you address a situation where each party to the Data Repository provided its production according to different file formats (and potentially different file formats within the same production set)? How, if at all, would that impact the ability of all parties to meaningfully query across the Data Repository?

(2) Describe any standard database and/or work flow structure(s) that you would recommend members of the Lower Duwamish Working Group follow for purposes of this project.

(3) Describe the main advantages of your preferred review platform over other platforms.

(4) Describe the security features of your preferred review platform, including a description of external security features of the system, as well as internal security protocols and features to prevent one party from accessing another party's Data Repository Work Product.

(5) Given the nature of the anticipated production documents within the Data Repository (Bates numbered images with OCR or extracted text in most cases), describe any de-duplication methodologies and processes that you would apply to the Data Repository to identify duplicate or near-duplicate documents within a single party's production as well as across the production sets.

(6) Given the nature of the anticipated production documents to be included within the Data Repository (Bates numbered images with OCR or extracted text in most cases), describe any artificial intelligence algorithms or other tools, if any, used to parse, categorize, segregate, or tag data, together with process for using and testing same.

(7) Given the nature of the anticipated production documents (Bates numbered images with OCR or extracted text in most cases), describe the abilities of the tool and end users to cull data, including but not limited to applying date restrictors, limiting file extensions, and running search terms.

(8) Identify any document types (exception files) that cannot be ingested by your software platforms, and identify whether a report of exception files can and will be promptly provided once a party's data has been loaded. Please identify the format of such report.

(9) **Identify types of reporting that are included for pre-processing[1] of data, data ingestion, data review and document production exports.**

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[1] Although it is anticipated that nearly all documents loaded to the Data Repository will be "production" documents, some parties may require the successful supplier to separately ingest, process, de-duplicate and host documents for that party's review, prior to identifying and loading the production material into the Data Repository.

Appendix IA - RFP Duwamish Database Project

Pricing Matrix

In order to be considered, all responders must parse their fee schedules to the units and categories stated. If necessary or desired, supplemental information may be attached to your response delineating the details of the fee calculations, and offering any alternative fee breakdowns or schedules.

Data volume charges should be based on "expanded" datasets. Any compressed formats offered will be extracted prior to calculating volume.	**Rate Per Gigabyte <1 GB**	**Rate Per Gigabyte 1 - 10 GB**	**Rate Per Gigabyte 10+ GB**	**Hourly Rate Pricing, if applicable**	
1: DATA INGESTION AND PRE-PROCESSING					
• Ingest imaged production files from client (staged to FTP or delivered via hard media)					
• Ingest native production files from client (if different from imaged production files) (staged to FTP or delivered via hard media)					
• Pre-Loading processing or system file filtering, deNIST, Filtering, if applicable					
• Pre-Loading, date, search terms and file type filtering, if					

Data volume charges should be based on "expanded" datasets. Any compressed formats offered will be extracted prior to calculating volume.	Rate Per Gigabyte <1 GB	Rate Per Gigabyte 1 - 10 GB	Rate Per Gigabyte 10+ GB	Hourly Rate Pricing, if applicable	
applicable					
• De-Duplication Service (please state if this is incurred in one of the pre-loading phases above)					
• Convert prior to loading *(i.e. CAD files that need conversion to PDF for database usability, or MDB files that require exported reports, hard copy documents that must be imaged prior to loading)*					
• Run OCR processing on submitted data having no searchable text layer					
• Other additional charges incurred during data ingestion (specify nature of charges on separate page)					

2: EXPORT2 and PRINTING

Assume all exports are to a secured FTP site for requesting party to retrieve or to be delivered via email	Rate Per Gigabyte <1 GB	Rate Per Gigabyte 1 - 5 GB	Rate Per Gigabyte 6 - 10 GB	Rate Per Gigabyte 10+ GB	Per Page Pricing	Hourly Rate, if applicable	Additional Notes or Clarification
• Export/Production Charges (Native Format)							
• Export/Production Charges (images, load files and searchable text)							
• Bates Endorsement (if required)							
• Confidential or other Endorsement (if required)							
• Printing Per document (at reviewer console)							
• Batch Printing							

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2   In the event that any party opts to withdraw from the Data Repository group, the successful supplier must provide that party with a one-time opportunity to obtain a complete copy of the data that party had provided to the supplier at no charge, either in the format in which the data was originally provided or some other format to be agreed upon by the party and the supplier.

3. Account and Hosting Fees					
Hosting fees should be expressed in time periods of 1 year with an understood option for contracting parties to pay monthly in amounts equaling 1/12 of the expressed annual pricing, or to pay the contract year at signing and renewal.	**Rate Per Gigabyte <1 GB**	**Rate Per Gigabyte 1 - 10 GB**	**Rate Per Gigabyte 10-25GB**	**Rate Per Gigabyte 25-49GB**	**Rate Per Gigabyte 49 + GB**
• Per User Set-up Fees					
• Per User Fees (Individual License per month)					
• ESI Storage for one year (or monthly)					
• Other: Specify any additional data storage costs here: _____					

4. Training, Project Management and Technical Services Fees		
	Number of hours (monthly) included with contract	**Charge per hour after exhaustion of time included with contract**
• User Training (Individual and Group)		
• Project Management Services Assistance with searches and grouping documents, with exports and print jobs		
• Technical Service Repairing or reorganizing data prior to ingestion, or making changes to user pallets or individual templates (requests to change views, add fields, etc…)		

5. Media Charges	
Media	**Charge Per Unit**
CD/DVD	
15 GB Flash Drive	
500 GB Portable Hard Drive	